

Application No. 09/942,789

3COM 3641-1  
(3641.BCG.US.P)**REMARKS**

In the Official Action mailed 18 October 2005, the Examiner reviewed claims 1-27 and rejected claims 1-27 under 35 U.S.C. §103(a). Claims 1, 10 and 19 have been amended. The rejection is respectfully traversed below.

**Rejection of Claims 1-27 under 35 U.S.C. §103(a)**

Claims 1-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hwang et al., U.S. Pub. No. 2002/0188875A1 in view of Miner et al. U.S. Patent No. 6,690,655.

The Examiner acknowledges that Hwang et al. does not explicitly disclose power management logic which forces the medium interface unit to the lower speed protocol in response to an event signally entry of said power mode. Accordingly, the Examiner has applied Miner et al. in combination with Hwang et al. as a basis for the rejection under §103(a). Applicants request reconsideration because Miner et al. arises from non-analogous art that would not be applied to the claimed invention.

Miner et al. describes a cable system that includes at least one remote interface unit (RIU) and operates in compliance with Data Over Cable Service Interface Specification (DOCSIS) standard. See, Miner et al., column 3, lines 59-66. The RIU in cable modem requires two channels, a first downstream channel and a second downstream channel, for operating in high-power and low-power modes. Miner et al., column 4, lines 7-17, and lines 27-35 and claim 1. The transmission rates in Miner et al. are characterized in different domains, such as frequency shift keying (FSK), quaternary phase shift keying (QPSK), and quadrature amplitude modulation (QAM). Miner et al., column 21, lines 58 – 63. Therefore, the purposes of the technology in the field of Miner et al. are incompatible with those of the present invention. Accordingly, persons of skill in the art would not look to the teaching of Miner et al. for improvement or modification of Hwang et al. The Examiner's *prima facie* case is based on non-analogous art.

Miner et al. further describes just a single protocol in their communication system. The dual-mode RIU operates a minimal protocol engine in standby mode to monitor for wake-up or other commands communicated over the second downstream channel, and operates a standard protocol engine in active mode to receive control and user information over the primary downstream channel. Miner et al, column 4, lines 27 – 35. There is no teaching in Miner et al. in using a separate protocol for each of the two downstream channels. Rather, the primary

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downstream channel facilitates the communication of the standard protocol and the other downstream channel is used for sending and receiving commands.

The Examiner suggests that a person having skill in the art would be motivated to combine the teachings of Hwang et al. and Miner et al. because they both disclose a network communication system, and the specific teaching of Miner et al. stated above would have improved the performance and further reducing the amount of power consumed by the system. It is not clear why one of ordinary skill in the art would apply the cable modem system in Miner et al., which is compliant to DOCSIS standard, to the network controller in Hwang et al. Nevertheless, assuming *arguendo* that the combination of references is proper, the mere combination of Miner et al. and Hwang et al. fails to teach or suggest a power management logic which forces the medium interface unit from the high speed protocol to the lower speed protocol in response to an event signally entry of said lower power mode. Applicants respectfully point out that simply finding a part with a name that includes some of the claim language is not sufficient to render a claim obvious. The combination of references must teach the configuration of various components recited by Applicants. For example, the CAFC held:

It is insufficient that the prior art disclosed the components of the patented device, either separately or used in other combinations; there must be some teaching, suggestion, or incentive to make the combination by the inventor. Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934, 15 USPQ2d 1321, 1323 (Fed. Cir. 1990).

It is therefore respectfully submitted that Claim 1 is patentable over the cited references of Hwang et al. in view of Miner et al.

Claim 3 further defines claim 1 by reciting that the network interface in said lower power mode consumes less than a specified power of about 1.3 Watts. The Examiner cited paragraph [0053] in Hwang et al. as the basis for rejecting this claim. However, Hwang et al. only describes a range of voltages without specifying the corresponding amount of electrical current. Without associating a particular electrical current with a particular electrical voltage, the power limitation cannot be calculated. Therefore, Hwang et al. fails to teach or suggest the power requirement in a lower power mode.

Claim 7 further limits claim 1 by reciting that the host processor monitors the network interface for a wake up event involving a loss of link or a change of link on the network interface, and wherein said power management logic blocks signals indicating said wake up event for a time interval during which the power management logic circuitry forces the medium interface unit to the lower speed protocol. When the RIU in Hwang et al. is in a lower power

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mode, the secondary downstream channel is used to communicate special control information, such as a wake-up command rather than a lower speed protocol as recited in claim 7.

Claims 2-9 are dependent on claim 1 and thus are patentable for at least the same reasons given above with respect to claim 1.

As amended, claim 10 now recites some of the limitations as claim 1 including "forcing the apparatus to execute the lower speed protocol from the high speed protocol upon transition from the full power mode to the lower power mode using logic independent of host processes". Claims 11-18 are dependent on claim 10 and thus are patentable for at least the same reasons given above with respect to claim 10.

Claim 19 is an independent apparatus claim which recites similar limitations as claim 1, and therefore the arguments presented above with respect to claim 1 are also applicable to claim 1. Claims 20-27 are dependent on claim 19 and thus are patentable for at least the same reasons given above with respect to claim 19.

Accordingly, reconsideration of the rejection of claim 1-27 as amended is respectfully requested.

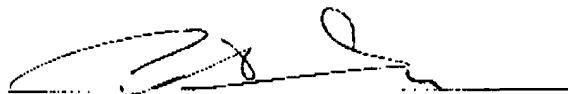
### CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (3COM 3641-1).

Respectfully submitted,

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